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The Constitutional Doctrines of Justice Harlan. By FLOYD BARZILIA CLARK, Ph.D., Assistant Professor of Political Science in Pennsylvania State College. Series XXXIII, No. 4, Johns Hopkins University Studies in Historical and Political Science under the direction of the Department of History, Political Economy, and Political Science. The Johns Hopkins Press, Baltimore, 1915.

This work is a legal treatise consisting of a scholarly discussion of the doctrines advanced by Justice Harlan during his service as a member of the Supreme Court of the United States. The book opens with a brief biography of the jurist, emphasizing the important events of his career to furnish a basis for the study of his theories. The author then takes up such topics as the "Suability of States," the "Impairment of the Obligation Contracts," "Due Process of Law," "Interstate and Foreign Commerce," "Equal Protection of the Laws," the "Jurisdiction of Courts," "Miscellaneous Topics," and "Judicial Legislation."

The author finds that in the treatment of these important legal questions Harlan measures up to the standard of an able jurist. Replying to those who have charged him with emphasizing too greatly the letter of the law, the writer says that such a contention is based on ignorance or prejudice. "No one who so interpreted the Eleventh Amendment," says the author, "as to maintain that a suit against the officer of a State in his official capacity was not a suit against a State could have held to the strict letter of the law." The author further contends that this criticism of the jurist arises from the fact that he did not believe in equivocation.

The interpretation of the laws relating to the Negro, the point on which he dissented from the majority of the members of the court, should have been given more prominence in this discussion. The discriminations against the Negroes are treated in connection with the chapters on "Interstate and Foreign Commerce" and "Equal Protection of the Laws." The Fourteenth Amendment is treated along with such miscellaneous topics as "Direct Taxation," "Copyrights," "Insular Cases," "Interstate Comity," and "Labor Legislation." Stating Justice Harlan's theory as to the position the Negro should occupy in this country, however, the author writes very frankly. Harlan, he thought, believed that they should occupy the position that historically they were intended to occupy by the Thirteenth and Fourteenth Amendments. He believed that the law should be interpreted as it was meant and not as the court

thought expedient and wise. "Though it may be true that his relation to the negro in political matters may have made him more violent in his dissents, any one who will look fairly at the question must conclude that his doctrine was legally correct. And as time passes, and as both classes become better educated and broader in their views, it may be said that the tendency of the court is likely to be to interpret the laws largely as he thought they should have been interpreted, that is, as historically they were meant."

C. B. WALTER.

Reconstruction in Georgia, Economic, Social, Political, 1865-1872.

By C. MILDRED THOMPSON, Ph.D. Longmans, Green, and Company, New York, 1915. Pp. 418.

The appearance of C. M. Thompson's *Reconstruction in Georgia* arouses further interest in the study of that period which has been attracting the attention of various investigators in the leading universities of the United States. These writers fall into different groups. Coming to the defense of a section shamed with crime, some have endeavored to justify the deeds of those who resorted to all sorts of schemes to rid the country of the "extravagant and corrupt Reconstruction governments." Lately, however, the tendency has been to get away from this position. Yet among these writers we still find varying types, many of whom have for several reasons failed to write real history. Some have not forsaken the controversial group, not a few have tried to explain away the truth, and others going to the past with their minds preoccupied have selected only those facts which support their contentions.

What has this author in question done? In this readable and interesting work the writer has shown considerable improvement upon historical writing in this field. She has endeavored to deal not only with the political but also with the economic and social phases of the history of this period. One gets a glance at the State before the war, the transition from slavery to freedom, the problems of labor and tenancy, the commercial revival, the social readjustment, political reorganization, military rule, State economy, reorganized Reconstruction, agriculture, education, the administration of justice, the Ku Klux disorder, and the restoration of home rule.

This research leads the author to conclude that the seven years of the history of the State from 1865 to 1872 marked only the beginning of the social and economic transformation that has taken place since the war. This upheaval broke up the large plantation